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7 Attorneys for Defendants
8 NEW UNITED MOTOR MANUFACTURING,
INC.

9 BERNADETTE LEWIS
10 Plaintiff, *In Pro Per*

11
12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION

15 BERNADETTE LEWIS,
16 Plaintiff,
17 v.

18 NEW UNITED MOTORS CORP.,
19 Defendant.

Case No. C 09-00869 JCS

**STIPULATION AND [PROPOSED]
ORDER TO MODIFY CASE
MANAGEMENT ORDER**

[FRCP 16(B)(4)]

Judge: Joseph C. Spero

1 Pursuant to Federal Rule of Civil Procedure 16(b)(4), Plaintiff Bernadette Lewis, *in*
2 *pro per*, and Defendant New United Motor Manufacturing, Inc. ("NUMMI") hereby stipulate as
3 follows:

4 WHEREAS, the Court's current Case Management Order set Non-Expert Discovery
5 Cut-Off for May 2, 2011, and a Dispositive Motion filing Deadline for June 1, 2011, among other
6 deadlines;

7 WHEREAS, Defendant timely served Plaintiff with written discovery requests for
8 response, and timely noticed her deposition to take place before the discovery cut-off, on April 28
9 and 29, 2011;

10 WHEREAS, Plaintiff notified Defendant the day before the deposition that she has
11 suffered a severe flare-up to a back injury and is unable to travel or appear for her deposition on the
12 dates for which it was timely noticed and Plaintiff requested that Defendant consent to reschedule
13 the deposition;

14 WHEREAS, the Parties are cooperating to address this issue and have agreed that
15 Plaintiff's Deposition will take place on May 12, 2011 and May 13, 2011;

16 WHEREAS, the Parties agree that because Defendant has agreed to continue
17 Plaintiff's deposition to accommodate Plaintiff's injury and inability to travel to appear for her
18 deposition, Defendant will not be in a position to file a dispositive motion until after completing
19 Plaintiff's deposition, and beyond the date by which dispositive motions currently are required to be
20 filed in this matter;

21 WHEREAS, the Parties agree that it would Plaintiff would suffer physical harm if she
22 were compelled to go forward with her deposition as scheduled and Defendant will be prejudiced if
23 it were prohibited from filing a dispositive motion due to the inability to depose Plaintiff as a result
24 of her health condition;

25 WHEREAS, the Parties have made only one prior request to modify the Case
26 Management Order by stipulation, and then only as to the mediation cut-off deadline.

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1 **NOW, THEREFORE, THE PARTIES HEREBY STIPULATE AND AGREE,**
2 based on the foregoing circumstances, to request that the Court establish the following modified
3 deadlines:

4 **Discovery Cut-Off:** Defendant shall be permitted to conduct Plaintiff's deposition
5 on May 12, 2011 and May 13, 2011, beginning at 10:00 a.m. on each day.

6 **Dispositive Motion Filing Deadline:** The dispositive motion filing deadline shall be
7 continued to July 1, 2011, to allow the parties sufficient time to complete the deposition of Plaintiff
8 and file a dispositive motion.

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11 Dated: April 27, 2011


ERIC C. BELLAFRONTO
LITTLER MENDELSON
A Professional Corporation
Attorneys for Defendant
NEW UNITED MOTOR MANUFACTURING, INC.

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15 Dated: April 28, 2011


BERNADETTE LEWIS
PLAINTIFF, *IN PRO PER*

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18 IT IS SO ORDERED.

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21 Dated: May 2, 2011

/s/ Joseph C. Spero

22 THE HONORABLE JOSEPH C. SPERO
23 United States Magistrate Judge

24 Firmwide:101380371.1 048320.1055
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5 Attorneys for Defendant
NEW UNITED MOTOR MANUFACTURING,
6 INC. (erroneously sued herein as NEW UNITED
MOTORS CORP.)
7

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

11 BERNADETTE LEWIS,
12 Plaintiff,

13 v.

14 NEW UNITED MOTORS CORP.,
15 Defendant.

Case No. C09-00869 JCS

CERTIFICATE OF SERVICE

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(CASE NO. C09-00869 JCS)

CERTIFICATE OF SERVICE

PROOF OF SERVICE BY MAIL

I am employed in Santa Clara County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 50 W. San Fernando, 15th Floor, San Jose, California 95113.2303. I am readily familiar with this firm's practice for collection and processing of correspondence for mailing with the United States Postal Service. On April 29, 2011, I placed with this firm at the above address for deposit with the United States Postal Service a true and correct copy of the within document(s):

STIPULATION AND [PROPOSED] ORDER TO MODIFY CASE
MANAGEMENT ORDER

in a sealed envelope, postage fully paid, addressed as follows:

Bernadette Lewis
10440 Humboldt Place
Stockton, CA 95209

Following ordinary business practices, the envelope was sealed and placed for collection and mailing on this date, and would, in the ordinary course of business, be deposited with the United States Postal Service on this date.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on April 29, 2011, at San Jose, California.

/s/
Pauline R. Lopez

Firmwide:101431249.1 048320.1055